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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,500	06/23/2005	Yec-Hyeng Kim	1005.008	4175
54434	7590	12/12/2007		
BOOTH UDALL, PLC 1155 W. Rio Salado Pkwy. Suite 101 Tempe, AZ 85281			EXAMINER FONSECA, JESSIE T	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/540,500

Applicant(s)

KIM, YEE-HYENG

Examiner

Jessie Fonseca

Art Unit

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

Upon further examination of the application, the abstract submitted 9/24/07 is not required to commence on a separate sheet, as the application has been filed under 35 U.S.C. 371. Accordingly, the abstract submitted 9/24/07 is not accepted. The Examiner regrets any inconvenience this may have caused.

### ***Drawings***

The drawings are objected to because the inner interlocking folds (5) should be represented by hidden lines. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: It's improper to define the structure of the prevention cap in terms of a neighboring panel when the claim is directed to a single panel. If applicant's intention was to claim plurality of panels, the claims should be amended to clearly convey that. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clawson (US 1,026,202) in view of Walter (US 345,089), and in further view of Lelli et al. (US 6,617,386).

With regards to claim 1: Clawson discloses a panel (fig. 1) having interlocking folds which is used as an interior or exterior finishing material for buildings, comprising:

- a panel body (9) having a tetragonal sheet shape ( fig. 1);
- outer interlocking folds (13, 14) provided on a surface of the panel body (9) by folding outwardly two neighboring sides of the panel body (9) so that the outer interlocking folds (10, 11) extend in parallel to the surface of the panel body (9) (fig. 1);

inner interlocking folds (10, 11) provided on an opposite surface of the panel body (9) by folding inwardly two remaining sides of the panel body (9) opposite to the outer interlocking folds (13, 14) so that the inner interlocking folds (10, 11) extend in parallel to the opposite surface of the panel body (9) (fig. 1); and

a locking part (7) capable of being fastened to a support surface by a locking nail (fig. 1), the locking part (7) being provided at a corner of the panel body (9) between the outer interlocking folds (13, 14) while diagonally extending on a same plane as that of the panel body (9) (fig. 1)

Clawson discloses everything previously mentioned, but fails to disclose a backflow prevention cap being coupled beneath the outer interlocking folds, where the backflow prevention cap comprises a gap capable of receiving the interlocking fold of a neighboring panel. However, Walter discloses backflow prevention cap (C) coupled beneath the outer interlocking folds, where the backflow prevention cap (C) provides a gap (figs. 1 & 5; col. 1, lines 33—col. 2, line 52). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the panel of Clawson to include a backflow prevention cap as taught by Walter in order to further secure the panel body to a roofing substrate and adjacent panels.

Clawson, in view of Walter discloses everything previously mentioned, but fails to disclose the panel body and the outer interlocking folds are coated, on outer surfaces thereof, with stone powders. However, Lelli et al. discloses a structural finish for use on the exterior of a building or structure, which includes siding (col. 1, lines 5-29), where the finish composition includes pumice stone powder (col. 2, lines 15-19). Therefore, it

would be obvious to one of ordinary skill in the art at the time of the invention was to modify the panel body of Clawson, in view of Walter, to include a finish/coating having stone powder as taught by Lelli et al. in order to provide a panel with increased durability and aesthetic qualities.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

The prior objection of claim 1 has been withdrawn in view of the amendment filed 9/24/07.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessie Fonseca whose telephone number is (571)272-7195. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JF JF  
12/4/07

Robert Canfield  
Primary Examiner

